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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/069,565 | 02/27/2002 | Herve Chollet | 219413US0XPCT | 1849 |
| 22850 | 7590 | 03/16/2005 | EXAMINER | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | CINTINS, IVARS C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1724 | |

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|--------------------------------------|---------------------------------------|--|
| Application No. 10/069,565 | Applicant(s) CHOLLET ET AL. | |
| Examiner Ivars C. Cintins | Art Unit 1724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 February 2005.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32,36-47 and 49 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-5,10-12,15,21,22,28-31,38,45 and 46 is/are allowed.
- 6) Claim(s) 6-9, 13, 14, 16-20, 23-27, 32, 36, 37, 39-44, 47 and 49 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Art Unit: 1724

Prosecution before the Primary Examiner is hereby reopened. The Final Rejection dated December 7, 2004 is withdrawn, and the proposed amendment filed February 25, 2005 has been entered.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-9, 13, 14, 16-20, 23-27, 32, 36, 37, 39-44, 47 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The terms “the fixed metals” (claim 6, line 2; and claim 14, line 2), “said regeneration” (claim 7, lines 1-2), “the direction of circulation” (claim 7, line 3; and claim 36, line 3), “said regeneration solution containing the metals initially fixed on the resin” (claim 9, lines 2-3), “said column filled with resin” (claim 13, lines 3-4), “the same conditions as the resin and at the same time as regeneration of the latter and with the same regeneration solution” (claim 14, lines 2-4), “the treated liquid” (claims 17 and 18, lines 1-2), “the aqueous effluent” (claim 19, line 2), “the industrial evaporator” (claim 19, line 2), “the treatment installation” (claim 19, line 3), “the grain size distribution” (claim 25, lines 1-2), “the grains size distribution” (claim 27, lines 1-2), and “the column(s)” (claim 36, line 2) lack antecedent basis in the claims, and are therefore indefinite. Also, the second formula recited in claim 26 is redundant and indefinite, particularly since the subsequently identified term “R7” does not appear in this second formula. Furthermore, the term “derived from silica fulfilling formula” (claim 26, line 2) does not appear to be grammatically correct. The terms “crosslinked with alkyl halide end” (claim 23, lines 2-3), “alkyl halide end” (claim 41, line 2) and “alkyl chloride end” (claim 41, line 3) are vague, and

Art Unit: 1724


indefinite as to the limitations intended. Moreover, the units represented by the term "mmol.g-1" (claim 32, last line) are not readily apparent. Claims 8, 16, 20, 24, 37, 39, 40, 42-44, 47 and 49 depend from an indefinite claim, and are therefore also indefinite.

Claims 1-5, 10-12, 15, 21, 22, 28-31, 38, 45 and 46 are allowed. Claims 6-9, 13, 14, 16-20, 23-27, 32, 36, 37, 39-44, 47 and 49 would also be allowed if rewritten or amended to overcome the above rejection under 35 U.S.C. § 112.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
March 14, 2005